

2. On January 18, 2006, Plaintiffs filed a motion for summary judgment requesting the Court declare that the Secretary is in violation of the ESA for failing to make a 90-day finding on Plaintiff's Petition pursuant to 16 U.S.C. § 1533(b)(3)(A) and further requesting the Court to order the Secretary to make and publish a 90-day finding on Plaintiff's Petition within

30 days of the Court's Order; on February 2, 2006, Plaintiffs re-noticed their summary judgment motion;

3. On February 2, 2006, the Court ordered Defendants to file an opposition to Plaintiffs' motion by February 17, 2006 and ordered Plaintiffs to file a reply by February 24, 2006;

4. On February 9, 2006, the U.S. Fish and Wildlife Service published a 90-day finding on Plaintiff's Petition which states: "We find that the petition presents substantial scientific or commercial information indicating that the petitioned action of listing the polar bear may be warranted." Endangered and Threatened Wildlife and Plants; Petition to List the Polar Bear as Threatened, 71 Fed. Reg. 6745-46 (February 9, 2006);

5. The parties wish to extend the dates for the filing of Defendants' answer and the remaining summary judgment briefs. As good cause, the parties state that this extension will allow them to focus their efforts on discussions about the possibility of settling this case;

THEREFORE THE PARTIES STIPULATE:

Defendants will file their answer and opposition to Plaintiff's summary judgment motion by February 24, 2006.

Dated: February 10, 2006

/s/

Paul D. Lall
Attorney for Defendants GALE NORTON and the
UNITED STATES FISH AND WILDLIFE
SERVICE


Dated: February 10, 2006

/s/ (by Paul D. Lall with consent)

Kassia Siegel (CA Bar No. 209497)
Attorneys for Plaintiffs CENTER FOR
BIOLOGICAL DIVERSITY, NATURAL
RESOURCES DEFENSE COUNCIL, AND
GREENPEACE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 13, 2006


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE